REMARKS/ARGUMENTS

Claims 1-4 and 6-64 remain in the patent application. Claim 5 was previously cancelled. Claims 1, 25, 26, 34, 55 and 62-63 are amended to correct informalities and not to affect the scope of the claims.

A.   Oath/Declaration

The Declaration was objected to because the date of the priority provisional application was identified incorrectly. This error is not believed to require a new oath as the correct priority date was listed in the first paragraph of the application as filed and identification of the U.S. provisional application in the oath or declaration is not required by 37 CFR 1.63. It is noted that the current form of the oath/declaration published by the USPTO does not include a place to put information about a provisional application. Accordingly, it is respectfully requested that the objection be withdrawn.

B.   Claim Objections

Claim 55 is amended to overcome the objection stated in the Office Action. It is respectfully requested that the objection be withdrawn.

C.   Rejections under 35 U.S.C 112

Claims 62-64 are amended to overcome the rejection stated in the Office Action. It is respectfully requested that the rejections be withdrawn.

D.   Rejections under 35 U.S.C 102

Claims 1-4, 6, 7, 11, 12, 15-21, 23, 27-29, 32-36, 38, 39, 44, 47-50, 52-55, 57, 58 and 60-64 were rejected under 35 U.S.C. 102 based upon the Russell-Falla et al. This rejection is respectfully traversed.

Claim 1, as amended, calls for monitoring transport layer network communications, wherein each network communication comprises multiple half sessions. The amendment is intended to emphasize that the invention of claim 1 is

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agnostic with respect to the application layer protocol. In other words, the invention of claim 1 is able to process web pages, email, file transfer protocol (FTP), or other unknown protocols because it monitors communication at a transport layer. This is further emphasized by calling for storing at least some of said half sessions on disk, even when the communication does not conform to a known protocol. In contrast, Russell-Falla teaches a system that monitors communication at the application layer, which would be necessary to montitor an HTML web page or email.

Further, the Russell-Falla reference does not show or suggest storing the communication, nor storing half sessions on disk. Russell-Falla at most suggests, but does not show, transient storage of web pages in memory while the decision to block a web page is made, but there is no hint that the web page should be stored to a disk for later analysis. The invention of claim 1 calls for storing communications, then deleting communications that do not meet preselected criterion, while continuing to store communications that do meet the preselected criterion. Russell-Falla either pass a web page to a browser or forward the web page to an administrator. Neither of these activities necessarily involve any storage of the web page to disk.

Claim 1 further calls for the testing to be performed against "at least one preselected criterion". Russell-Falla et al. do not show using criterion that are preselected. Instead, the criteria in Russell-Falla are determined by a neural network based on analysis of selected web pages, not any process that directly pre-selects the criterion.

For at least these reasons claim 1 is allowable over Russell Falla. Claims 2-4, 6-7, 11-12, 15-21, 23, 27-29 and 32-33 are believed to be allowable for at least the same reasons as claim 1 from which they depend. Further, claims 2-4, 6-10 and 14-26 call for the preselected criterion to comprise one or more subject matter categories. The relied on portion of Russell-Falla (Column 4, lines 45-60) teaches against the use of categories as called for in the instant claims. Russell-Falla teaches the detection fo a "specific type of selected content", detecting content "about a particular religion or a

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particular book", and the like. Hence, although Russell-Falla use the word "category", it is clear that they only contemplate a single category of information for any particular instance of their application. In contrast, the present invention contemplates the use of plural categories which overcomes the limitation that is explicit in Russell-Falla to a "specific type", "particular religion", or "particular book".

Claim 34, as amended, calls for capturing data comprising multiple half sessions of transport layer network communications. In contrast, Russell-Falla teaches a system that monitors communication at the application layer, which would be necessary to monitor an HTML web page or email. Russell-Falla do not show or suggest capturing data comprising multiple half sessions of transport layer network communications. Nor do Russell-Falla show or suggest testing the content for the presence of predetermined expressions as the Russsell-Falla reference relies on testing against expressions identified by a neural network.

Further, claim 34 calls for maintaining a sum of values associated with said predetermined expressions found within at least one category. Nothing in Russell-Falla shows or suggest the use of categories nor maintaining a sum of values on a category basis as called for in claim 34. For at least these reasons claim 34 is allowable over Russell Falla.

Claims 35-36, 38-39, 44, 47-50 and 52-54 are allowable for at least the same reasons as claim 1 set out above.

Claim 55 calls for, among other things, "defining categor__ies__ with weighted predetermined expressions" (emphasis added) and "maintaining a sum of values associated with said predetermined expressions found within each category." These features of claim 55 are not shown or suggested in the relied on reference. As noted hereinbefore, Russell-Falla only contemplate a single category for a particular instance of their application. Further, claim 55 calls for storing the remaining data if the sum of values associated with said predetermined expressions present within a category exceeds a threshold value. Russell-Falla do not show or suggest storing any data,

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only forwarding the data to an administrator. For at least these reasons claim 55, and claims 57, 58, and 60-64 are allowable over Russell-Falla.

E.   Rejections under 35 U.S.C 103

Claims 13, 30, 31, 37, 51 and 59 were rejected under 35 U.S.C. 103 based upon the Russell-Falla et al. reference. This rejection is respectfully traversed. Claims 13, 30, 31, 37, 51 and 59 are allowable for at least the same reasons as the independent claims from which they depend. Further, with respect to claims 13, 30 and 51, Russell-Falla does not show or suggest a report of any kind, and certainly does not show or suggest a graphical report of claim 31. The mere mention of a notification in Russell-Falla does not fairly suggest a report called for in the claims. Accordingly, claims 13, 30, 31, 37(36), 51 and 59 are believed to be allowable over the relied on reference.

It is noted that claim 37 calls for a TCP/IP network with respect to which the Office Action fails to state any rejection.

Claims 14, 22, 24-26, 45, 46 and 56 were rejected under 35 U.S.C. 103 based upon the Russell-Falla et al. in view of Rajaraman et al. This rejection is respectfully traversed.

Rajaraman et al. do not supply the deficiencies of Russell-Falla noted above. Specifically, the Rajaraman reference does not show or suggest monitoring transport layer communications, storing half sessions to disk or the use of plural categories as noted above. Further, Rajaraman does not teach that the presence of the preselected criterion in at least one of said categories comprises a match in a plurality of categories. For at least these reasons it is respectfully requested that the rejection of claims 14, 22, 24-26, 45, 46 and 56 be withdrawn.

Claims 8-10 and 40-43 were rejected under 35 U.S.C. 103 based upon the Russell-Falla et al. in view of Rajaraman et al. This rejection is respectfully traversed. Rajaraman et al. do not supply the deficiencies of Russell-Falla noted above.

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Specifically, the Rajaraman reference does not show or suggest monitoring transport layer communications, storing half sessions to disk or the use of plural categories as noted above. Accordingly, claims 8-10 are believed to be allowable for at least the same reasons as claim 1 from which they depend, and claims 40-43 are believed to be allowable for at least the same reasons as claim 34 from which they depend.

F.   Conclusion

The references that were cited but not relied upon are no more relevant than those references that were relied upon. Neither Cohen, Duvall, Humes, Massarani, Lowll, Johnson, Kikugawa or Olah et al show or suggest monitoring transport layer communications, storing half sessions to disk or the use of plural categories as noted above.

In view of all of the above, the claims are now believed to be allowable and the case in condition for allowance which action is respectfully requested. Should the Examiner be of the opinion that a telephone conference would expedite the prosecution of this case, the Examiner is requested to contact Applicants' attorney at the telephone number listed below. Any fee deficiency associated with this submittal may be charged to Deposit Account No. 50-1123.

Respectfully submitted,

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